

Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

Henry S. Graves, Forester

STATE FORESTRY LAWS

A parallel classification showing the comparative
progress of each State in forestry legislation

MISSOURI

(Serial 1—Through Reg. Sess., 1915)

Compiled in the Office of State Cooperation by Jeannie S. Peyton

PURPOSE OF COMPILATION

Information about the forestry laws of the various States, especially about those laws dealing with certain specific problems, is being demanded more and more; and requests for such information, coming from legislators, State administrative officers, forestry associations, forest schools, and other bodies and individuals, have led to the compilation, informally, of such State laws as bear more or less directly on the practice of forestry.

The purpose of the compilation, of which this serial is a part, is to make easy a comparative study of the laws of the different States and to further the development of practical forestry legislation. By the classification of the laws and parts of laws under the headings: "Administration," "Fires," "Public Forests," and "Taxation," the comparison is simplified, and the progress of each State, or lack of it, in these particulars, is clearly shown.

The better to accomplish this educational aim, the great mass of timber and tree laws and those finer points of reference proper only to a legal or administrative manual have been omitted.

PART I.—ADMINISTRATION.

(This division comprises the provisions of law, if any, defining the general administrative duties of the regularly constituted State forestry officials; also certain miscellaneous forestry provisions. For specific provisions, if any, concerning administrative duties of these or other State officers in connection with forest fires, State and municipal forests and nurseries or other State lands, or forest taxation, see Parts II, III, and IV, respectively.)

PART II.—FIRES.

(This division comprises the general provisions of law, if any, concerning protection from forest fires. For localized provisions, if any, concerning protection of State-owned lands, see Part III.)

(1) PROTECTIVE SYSTEM.

(This subdivision comprises the provisions of law, if any, defining the personnel and the administrative duties of the State organization charged with the prevention, detection, control, and extinguishment of forest fires. For specific provisions, if any, concerning similar duties in connection with railroad fires, slash disposal, and fallow and other fires, see subdivisions (2), (3), and (4), respectively.)

(2) RAILROAD FIRES.

(This subdivision comprises the provisions of law, if any, defining the responsibility of railroad and logging companies, the precautions to be taken by them, and their liability for damages occasioned in the operation and maintenance of their trains and rights of way; also provisions concerning the use of spark arresters and other safeguards on traction, thrashing, other portable and sawmill engines, and boilers.)

SEC. 3150, ART. II, CH. 33, REV. STAT., 1909, VOL. 1.

Rights of way, clearing: Periods for—Action by adjoining owners; recovery of costs for—Penalty.—

* * * it shall be the duty of every corporation, company, or person owning or operating any railroad or branch thereof in this state, to cause all dead or dry vegetation and undergrowth upon the right of way occupied by such railroad company to be cleaned off and burned up or removed twice in each year for the purpose of preventing the spread of fire and the destruction of property, to wit: Between the 1st and 15th day of August, and between the 5th and 25th days of October, in each year, and in case any such corporation, company or person shall fail or neglect to do so, within the times limited in this section, any person owning

land adjoining such railroad is hereby authorized, after giving three days' notice, in writing, to such owner or operator of said railroad, by service upon the nearest station agent or section foreman, to cause all such dead or dry vegetation and undergrowth upon the right of way occupied by said railway company to be cleaned off and burned up in front of and adjoining his land, and such land owner may maintain an action against said corporation, company or person so failing to perform this duty, in any court of competent jurisdiction, and shall be entitled to recover double the amount of all expenses and damages incurred and accruing thereby, together with costs; and any corporation, company or person failing to comply with the provisions of this section shall incur a penalty not to exceed two hundred dollars and be liable for all damages done by said neglect of duty, and each neglect of duty shall be a separate offense. [Rev. Stat., 1899, Sec. 1110, amended by L. 1907, p. 169, and L. 1909, p. 359.]

SEC. 3151.

Fires caused by engines, damages for—Insurable interest.—Each railroad corporation owning or operating a railroad in this state shall be responsible in damages to every person and corporation whose property may be injured or destroyed by fire communicated directly or indirectly by locomotive engines in use upon the railroad owned or operated by such railroad corporation, and each such railroad corporation shall have an insurable interest in the property upon the route of the railroad owned or operated by it, and may procure insurance thereon in its own behalf for its protection against such damages. [Rev. Stat., 1899, Sec. 1111.]

(3) SLASH DISPOSAL.

(This subdivision comprises the provisions of law, if any, for slash disposal after lumbering and other cutting operations.)

(4) FALLOW AND OTHER FIRES.

(This subdivision comprises the provisions of law, if any, concerning the burning of fallow, brush, etc., by farmers, and the general setting of fires to woods by hunters, fishermen, and others.)

SEC. 4621, ART. V, CH. 36, REV. STAT., 1909, VOL. 2.

Setting fire to woods—Penalty.—If any person shall wilfully set on fire any woods, marshes or prairies not his own, or shall negligently or carelessly set out or leave fire on land or premises not his own, whereby any damage shall be done, such person shall, upon conviction, be punished by imprisonment in the county jail not exceeding twelve months, or by fine not exceeding five hundred dollars. [Rev. Stat., 1899, Sec. 1980.]

SEC. 4629.

Malice, evidence of.—It shall not be necessary to show on the trial of any offense for malicious trespass or injury to property specified in this article that the offense was

committed from malice conceived against the owner of the property, * * * but if the act was wrongfully, intentionally and wilfully done, it may be inferred that it was done maliciously. [Rev. Stat., 1899, Sec. 1989.]

SEC. 5432, ART. I, CH. 38, REV. STAT., 1909, VOL. 2.

Wilfully setting on fire woods, etc.—Penalty.—If any person shall wilfully set on fire any woods, marshes or prairies, so as thereby to occasion damage to any other person, such person shall pay a sum not exceeding five hundred dollars nor less than fifty dollars, one-half thereof for the use of the person suing for the same, and the other half to the use of the county in which the offense is committed. [Rev. Stat., 1899, sec. 2871.]

SEC. 5433.

Damages, measure of.—If any person shall wilfully set on fire any woods, marshes or prairies, whether his own or not, so as thereby to occasion any damage to any other person, such person shall make satisfaction in double damages to the party injured, to be recovered by civil action. [Rev. Stat., 1899, sec. 2872.]

SEC. 6531, ART. II, CH. 49, REV. STAT., 1909, VOL. 2.

Firing timber or grass—Camp fire unextinguished—Penalty.—No person shall set fire to any timber or grass on land belonging to this state or to the United States, or set fire to any place where it is liable to spread to such timber or grass, nor abandon any camp fire unextinguished. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction shall be fined not less than twenty-five dollars nor more than two hundred dollars. [L. 1909, p. 519.]

PART III.—PUBLIC FORESTS.

(This division comprises the provisions of law, if any, for the establishment and care of State and municipal forests and nurseries, and for the practice of forestry on these and on other lands owned by the State.)

(1) STATE FORESTS.

(For other provisions, if any, concerning State forests and nurseries, see Part I.)

(2) OTHER STATE LANDS.

(Laws which provide merely for the protection of State lands other than State forests from fire and from timber and other forms of trespass, and for the sale of timber and other forest products therefrom, are not included because their intent is not one of forestry.)

(3) MUNICIPAL FORESTS.

PART IV.—TAXATION.

(This division comprises the provisions of law, if any, covering the classification and taxation of forested lands and lands to be forested, the purpose of which is to encourage the practice of forestry by private owners; also such bounty and exemption laws as have a like purpose. For similar taxation provisions, if any, concerning State or municipal forests, or other State lands, see Part III.)

